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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 RICHARD THOMAS SUMMERS,

8 Plaintiff,

9 v.

10 CHELAN COUNTY DISTRICT
11 COURT; CITY OF WENATCHEE
12 POLICE DEPARTMENT; CITY OF
13 WENATCHEE OFFICE OF CITY
14 ATTORNEY; ROY FORE, Chelan
15 County District Judge; ALICIA
16 NAKATA, Chelan County Superior
17 Judge; NANCY HARMON, Chelan
18 County District Judge; RYAN
19 WEATHERMAN, Wenatchee Police
20 Badge #1K24; GUY BRYANT,
Wenatchee Police Badge #1K22;
JOSH VIRNIG, Wenatchee Police
Badge #1K28; ANDY SUND,
Wenatchee Police Badge #1K44;
MELISSA BAILEY, City of
Wenatchee Attorney; SAMANTHA
ZIMMERMAN, City of Wenatchee
Attorney; MICHAEL BRADFORD,
City of Wenatchee Attorney; and
THOMAS WARREN, Chelan
County Pro Tempore Judge,

Defendants.

NO: 2:16-CV-0371-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

1 BEFORE THE COURT is Plaintiff's Notice and Motion to Dismiss (ECF
2 No. 22). Because Defendants have neither filed an answer nor moved for summary
3 judgment, Plaintiff has an absolute right to voluntarily dismiss this case. Fed. R.
4 Civ. P. 41(a)(1)(A)(i).

5 **ACCORDINGLY, IT IS HEREBY ORDERED:**

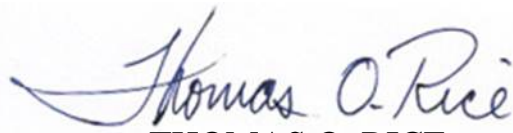
6 1. Plaintiff's Notice and Motion to Dismiss (ECF No. 22) is **GRANTED**. All
7 claims and causes of action in this matter are **DISMISSED** without prejudice
8 and without costs or fees to any party.

9 2. Defendants' Joint Motion to Dismiss for Improper Service and Failure to
10 State a Claim (ECF No. 13) is **DENIED** as moot.

11 The District Court Executive is directed to enter this Order, furnish copies to
12 the parties who have appeared, and **CLOSE** the file.

13 **DATED** April 17, 2017.




THOMAS O. RICE
Chief United States District Judge